

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:21-CV-00151-KDB-DCK**

ABIGAIL RATCHFORD, et al.,

Plaintiffs,

v.

**CADILLAC'S DISCOTHEQUE,
INC.; RJS ENTERTAINMENT,
LLC; ROCCO SCARFONE,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiffs' Motion for Modification of Local Civil Rule 16.2, (Doc. No. 24), which Defendants oppose. (Doc. No. 25). For the reasons briefly discussed below, the Court will grant in part and deny in part the motion.

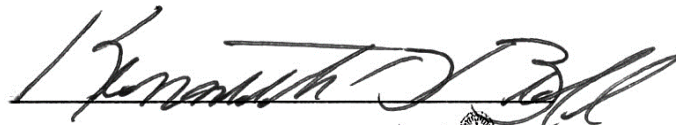
Plaintiffs move to modify the requirement of Local Civil Rule 16.2 that all parties attend a mediated settlement conference. (Doc. No. 24). Plaintiffs contend, among other things, that it would be an "extraordinary logistical burden to coordinate a Zoom conference with 33 Plaintiffs who are spread out over four continents." *Id.* Defendants retort that because "Plaintiffs' claims are based on their image and likeness and Defendants have not yet deposed Plaintiffs, it is important for Defendants to identify Plaintiffs and confirm their appearance with the Images claimed to have been misappropriated." (Doc. No. 25). Defendants also note that this is not a class action with a representative Plaintiff; rather, the Plaintiffs bring this action each in their individual capacity and there are individual issues related to both liability and damages that may arise during the mediation. *Id.*

While some relief is warranted due to the logistical burden of coordinating a mediated conference with such a large group of Plaintiffs, Defendants have made a sufficient showing that all Plaintiffs should be present for at least part of the mediation.

IT IS THEREFORE ORDERED that all Plaintiffs shall be present for an initial “Zoom” “general mediation session” of reasonable length (up to 2 hours) and thereafter available to be similarly present on short notice as requested by the mediator. The Parties are directed to schedule the start of the mediation to make it as convenient as reasonably possible for all concerned (as already offered by Defendants).

SO ORDERED.

Signed: April 25, 2022

A handwritten signature in black ink, appearing to read 'Kenneth D. Bell', written over a horizontal line.

Kenneth D. Bell
United States District Judge

